

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors: C. Thorpe *et al.*

App. No: Not Yet Assigned

Filed: Herewith

Title: MICROWAVE COOKING
APPARATUS, PRODUCT AND
METHOD OF PREPARING
MICROWAVED FOOD ITEM

Group Art Unit: Not Yet Assigned

Examiner: Not yet Assigned

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" Under
37 C.F.R. § 1.10**

Date of Deposit: November 21, 2003

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, Alexandria, Virginia 22313-1450.


Karen Wuerfel

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22323-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make this document of record.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☒ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

- ☐ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making

reasonable inquiry, was known to any individual designated in
37 C.F.R. § 1.56(c) more than three months prior to the filing of this
Information Disclosure Statement.

II. Copies of the Cited Items:

- ☐ Copies of the items listed on the attached form PTO/SB/08A are enclosed.
- ☐ Copies of only the following items listed on the attached Forms PTO/SB/08A are enclosed:
- ☐ Copies of the items listed in the attached Form PTO/SB/08A are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. _____ filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C § 120.
See 37 C.F.R. § 1.98(d).
- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO/SB/08A were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on form PTO/SB/08A are not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO/SB/08A is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Related Applications:

- ☐ Applicants bring to the Office's attention the following related, co-pending application(s):

V. Conclusion:

Citation of the above documents shall not be construed as:

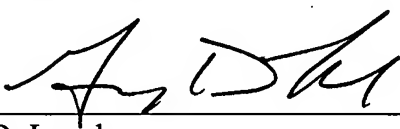
1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08A with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 3000177-703454-2001 for any additional fees required in connection with the filing of this Supplemental Information Disclosure Statement.

Respectfully submitted,

BINGHAM MCCUTCHEN LLP

Dated: 11-21-03

By: 
Gary D. Lueck
Registration No. 50,791

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Complete if Known

Substitute for form 1449A-PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

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Application Number

Not Yet Assigned

Filing Date

Herewith

First Named Inventor

Christopher C. Thorpe

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

703454-2001

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
	1	US-3,610,458	10-05-1971	Nissley	
	2	US-4,703,148	10-27-1987	Mikulski et al.	
	3	US-4,777,053	10-11-1988	Tobelmann et al.	
	4	US-4,794,005	12-27-1988	Swiontek	
	5	US-4,870,233	09-26-1989	McDonald et al.	
	6	US-4,924,048	05-08-1990	Bunce et al.	
	7	US-4,935,592	06-19-1990	Oppenheimer	
	8	US-5,026,958	06-25-1991	Palacios	
	9	US-5,041,295	08-20-1991	Perry et al.	
	10	US-5,075,526	12-24-1991	Sklenak et al.	
	11	US-5,726,426	03-10-1998	Davis et al.	
	12	US-5,747,086	05-05-1998	Bows et al.	
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Examiner's
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

† Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.